

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION

ANNIE L. WHITE, Plaintiff

v.

No. 2:04CV291-P-B

MJ HOLDING COMPANY, LLC, Defendant

**REPORT AND RECOMMENDATIONS**

Upon review of the file and records of this action, the undersigned finds that plaintiff's complaint in this EEOC action was filed on October 13, 2004. A clerk's notice of incomplete process was entered on April 15, 2005 (docket entry No. 2). Although plaintiff is represented by counsel, as of this date there has been no attempt to move this action forward. .

Therefore, it is recommended that this action be dismissed pursuant to Rule 4(m), F.R.C.P., unless plaintiff within ten days of this date shall show good cause in writing for the failure to complete service of process on the defendant within 120 days of the filing of the complaint.

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within ten days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

**RESPECTFULLY SUBMITTED** this 7th day of September, 2006.

/s/ Eugene M. Bogen  
U. S. MAGISTRATE JUDGE